

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JUAN IGARTUA,

Plaintiff,

-v.-

LATE BLOOMERS NYC, LLC,

Defendant.

24 Civ. 7966 (JHR)

ORDER TO SHOW CAUSE

JENNIFER H. REARDEN, District Judge:

Plaintiff Juan Igartua filed the Complaint in this Americans with Disabilities Act case on October 18, 2024. ECF No. 1. Defendant Late Bloomers NYC, LLC was served with process on November 21, 2024. ECF No. 7. Its answer was therefore due on December 12, 2024. *Id.*; *see also* Fed. R. Civ. P. 12(a)(1)(A)(i) (“A defendant must serve an answer . . . within 21 days after being served with the summons and complaint.”). Defendant has not responded to the Complaint or otherwise appeared.

On February 10, 2025, Magistrate Judge Gary Stein, to whom this case has been referred for general pretrial purposes, directed that Plaintiff “shall show cause as to why the [] action should not be dismissed for failure to prosecute pursuant to Rule 41 of the Federal Rules of Civil Procedural by no later than Monday, February 24, 2025.” *See* ECF No. 9. Subsequently, upon Plaintiff’s application, the Clerk of Court issued a certificate of default for Defendant. ECF No. 12. Since then, however, Plaintiff has not moved for a default judgment against Defendant.

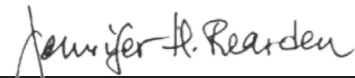
It is hereby ORDERED that, by no later than **March 24, 2025**, Plaintiff shall seek a default judgment against Defendant or show cause why this action should not be dismissed for failure to prosecute. Any application for a default judgment must comply with the Court’s Individual Rules and Practices in Civil Cases. **Failure to submit a timely and proper motion for default judgment may result in dismissal of this case.** *See* Fed. R. Civ. P. 41. Pursuant to

the Court's Individual Rules, Plaintiff must serve his motion and supporting papers on Defendant by **March 24, 2025** and file an affidavit of service on ECF by **March 26, 2025**. If or when a motion for default judgment is filed and proof of service is furnished, the Court will enter a further order setting a deadline for any opposition and reply.

It is further ORDERED that, within **one week of the date of this Order**, Plaintiff shall serve a copy of this Order on Defendant via overnight courier. Within **two business days of service**, Plaintiff shall file proof of such service on the docket.

SO ORDERED.

Dated: March 17, 2025  
New York, New York

A handwritten signature in cursive script, reading "Jennifer H. Rearden", is positioned above a horizontal line.

JENNIFER H. REARDEN  
United States District Judge